

### **STATUS OF THE CLAIMS**

Claims 1-23 were originally filed in this patent application. In response to a restriction requirement dated 03/13/2006, applicant filed an Election of Claims and Amendment on 04/11/2006 that cancelled claims 17-23. In the pending office action, claims 1-6 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,345,636 to Lamons or U.S. Patent No. 2,645,858 to Davis. Claim 7 was rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,307,892 to Lowther or U.S. Patent No. 6,272,758 to Wheeler. Claims 8-16 were rejected under 35 U.S.C. §103(a) as being unpatentable over either one of Lowther or Wheeler in view of U.S. Patent No. 3,858,325 to Goerler and U.S. Patent No. 5,070,562 to Lentino. No claim was allowed. In this amendment, claim 8 has been cancelled, claims 1, 7, 9-12 and 16 have been amended, and new claims 24 and 25 have been added. Claims 1-7, 9-16 and 24-25 are currently pending.

## **REMARKS**

### **Rejection of claims 1-6 under 35 U.S.C. §102(b)**

The examiner rejected claims 1-6 under 35 U.S.C. §102(b) as being anticipated by Lamons or Davis. Claim 1 has been amended herein to recite many features that are not taught by either of Lamons or Davis. For this reason, claim 1 is allowable over Lamons and Davis. Claims 2-6 depend on claim 1, which is allowable for the reasons given above. As a result, claims 2-6 are allowable as depending on an allowable independent claim.

### **Rejection of claim 7 under 35 U.S.C. §102(b)**

The examiner rejected claim 7 under 35 U.S.C. §102(b) as being anticipated by Lowther or Wheeler. Claim 7 has been amended herein to recite:

...the connecting portion extending above the plane of the first and second portions and having no portion in the plane of the first and second portions, wherein the first and second portions are separate portions connected only by the connecting portion; . . .

Lowther does not read on claim 7 as amended because there are no separate first and second portions connected only by the connecting portion. Wheeler does not read on claim 7 as amended because base plate 34 lies in the same plane as the right leg 32 and the left leg 36. Because the connecting portion in claim 7 has no portion in the plane of the first and second portions, the base plate 34 does not read on the connecting portion. In addition, claim 7 as amended recites “wherein the first and second portions are separate portions connected only by the connecting portion”. Because the base plate 34 is not part of the connecting portion because it lies in the same plane as the right leg 32 and the left leg 36, this means the right and left legs in Wheeler are not “connected only by

the connecting portion” as recited in claim 7 as amended because they are also connected by base plate 34. As a result, claim 7 is allowable over Wheeler.

In addition, claim 7 has been amended to recite:

... a first substantially flat portion comprising at least one slot that opens to an edge of the first portion;

a second substantially flat portion lying in substantially the same plane as the first portion, the second portion comprising at least one hole;

Neither Lowther nor Wheeler teach or suggest at least one slot and at least one hole as recited in claim 7. As a result, claim 7 is allowable over Lowther and Wheeler.

Rejection of claims 8-16 under 35 U.S.C. §103(a)

Claims 8-16 were rejected under 35 U.S.C. §103(a) as being unpatentable over either one of Lowther or Wheeler in view of Goerler and Lentino. Claim 8 has been cancelled herein, and therefore need not be addressed. Claims 9-15 depend on claim 7, which is allowable for the reasons given above. As a result, claims 9-15 are allowable as depending on an allowable independent claim.

In the rejection, the examiner did not address the last clause of claim 16, which recites:

... wherein the first portion, second portion, and connecting portion are monolithically formed from a substantially transparent plastic.

Because the examiner did not address this limitation in the rejection, the examiner has failed to establish a prima facie case of obviousness for claim 16 under 35 U.S.C. §103(a). None of the cited references teach or suggest a tool with three distinct portions as claimed monolithically formed from a substantially transparent plastic. As a result,

claim 16 is allowable over the cited art. In addition, claim 16 has been amended herein to recite additional limitations for the connecting portion, similar to the amendments to claim 7. As a result, claim 16 is also allowable for the same reasons given for the allowability of claim 7 above.

#### New claims 24 and 25

Claims 24 and 25 had been added to more specifically recite the first portion, second portion, and connecting portion are monolithically formed from a substantially transparent plastic. None of the cited art teach or suggest a tool with these three distinct portions as claimed all monolithically formed from a substantially transparent plastic. For this reason, claims 24 and 25 are allowable over the cited art. In addition, claim 24 depends on claim 1, which is allowable for the reasons given above, and claim 25 depends on claim 7, which is likewise allowable. As a result, claims 24 and 25 are also allowable as depending on allowable independent claims.

#### Conclusion

In summary, none of the cited prior art, either alone or in combination, teach, support, or suggest the unique combination of features in applicant's claims presently on file. Therefore, applicant respectfully asserts that all of applicant's claims are allowable. Such allowance at an early date is respectfully requested. The Examiner is invited to telephone the undersigned if this would in any way advance the prosecution of this case.

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Respectfully submitted,

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